



STATE OF WASHINGTON

**PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcc.wa.gov](http://www.pdcc.wa.gov)

**Results of Brief Enforcement Hearings – January 27, 2010**

**2007 Chad Minnick Campaign: PDC Case No: 09-030**

Chad Minnick was a candidate seeking re-election to the office of Monroe City Council in 2007. It is alleged that Mr. Minnick violated RCW 42.17.080 and .090 by failing to timely report expenditures and orders placed for activities undertaken by the campaign, and RCW 42.17.080(6) by failing to maintain, for a period of five years, all campaign records, receipts and other documentation for contribution and expenditure activities undertaken by his 2007 campaign

**Results:** The Presiding Officer found that that the 2007 Chad Minnick Campaign violated the following:

- RCW 42.17.080 and .090: by failing to timely disclose orders-placed, debts or obligations for: 1) the printing costs of at least three campaign mailers; 2) for services provided to the campaign by Minnick & Minnick, a political consulting firm, that should have been reported as an in-kind contribution/loan to the campaign; and 3) a \$650 expenditure for campaign signs made on October 12, 2007. All of those expenditures should have been disclosed on prior C-4 reports as orders-placed.
- RCW 42.17.080(6): by failing to maintain campaign records, receipts and other documentation for contribution and expenditure activities undertaken by his 2007 campaign. PDC staff made repeated requests for documentation from Mr. Minnick in order to assess the timeliness of his campaign's 2007 reporting and the "fair market value" of the services provided, but, no documentation was provided by Mr. Minnick. PDC staff was unable to verify when the orders were placed by the 2007 Minnick campaign and the "fair market value of the services provided, and whether or not disclosure of orders placed were required to be disclosed on a prior C-4 reports.

In a previous Brief Enforcement Hearing held March 4, 2008, the Presiding Officer found in PDC Case No. 07-014 that the 2003 Minnick campaign violated RCW 42.17.060(5). The Presiding Officer assessed a \$250 civil penalty against the 2003 Minnick campaign, of which \$150 was suspended on the condition that no further violations of RCW 42.17 are committed for four years from the date of the order, which was dated March 17, 2008.

The Presiding Officer assessed a \$500 civil penalty against the 2007 Chad Minnick Campaign. He stated that if the \$500 penalty is not paid within 60 days of the date of this order, the matter shall be brought before the full Commission to discuss options for enforcement of the order and collection of the penalty. In addition, the \$150 suspended portion of the penalty in PDC Case No. 07-014 was reinstated when the new violations were found.

**David Johnson & Kevin Tate: PDC Case No. 09-031**

David Johnson is the General Manager of Skagit County Public Utility District 1 (Skagit PUD), and Kevin Tate is the Community Relations Manager for Skagit PUD. It is alleged that Mr. Johnson and Mr. Tate violated RCW 42.17.130 by using the facilities of Skagit PUD to support Proposition 1, a 2008 ballot proposition seeking to authorize Skagit PUD to construct or acquire facilities for the generation, transmission or distribution of electric power.

**Results:** A signed Stipulated Agreement between the parties to the Facts, Violations and Penalties of this case was presented to The Presiding Officer. The Presiding Officer accepted the Stipulated Agreement which found that Mr. Johnson and Mr. Tate violated RCW 42.17.130 by using the facilities of Skagit PUD to support Proposition 1 by: using public funds to sponsor public opinion research, targeted to registered Skagit County voters, seeking to determine Proposition 1's chances of voter approval; and mailing a ballot proposition "fact sheet" mailing to only targeted registered voters.

In the Stipulated Agreement Mr. Johnson and Mr. Tate assert that they were unaware of PDC Interpretation 04-02, the "Guidelines for Local Agencies in Election Campaigns", that their violations of RCW 42.17.130 were unintentional, and that they relied on and followed the PDC staff recommendations regarding revisions to the "Public Power Facts" brochure.

Based upon the stipulated facts and the agreement regarding the violations set forth above, the Respondents agree that a total civil penalty of \$500 be assessed. Of the total penalty amount, \$250 will be assessed against Mr. Johnson and \$250 will be assessed against Mr. Tate, and both agreed the penalties will be paid using non-public funds within 60 days from the order, and they affirmed their intention to comply in good faith with the provisions of RCW 42.17 in all future election campaigns.

**2009 David Ettl Campaign: PDC Case No. 10-033**

David Ettl was a candidate seeking the office of Yakima City Councilman in 2009. It is alleged that the 2009 David Ettl campaign violated RCW 42.17.080 and .090 by failing to timely file Cash Receipts Monetary Contribution Reports (PDC Form C-3) and Campaign Summary Receipts and Expenditures Reports (PDC Form C-4) disclosing contribution and expenditure activities undertaken by the 2009 campaign.

David Ettl filed a Candidate Registration on May 26, 2009, declaring his candidacy and selecting the Mini Reporting option. Mr. Ettl requested a to change reporting options to the Full Reporting on September 16, 2009, and completed the necessary steps to change reporting options on September 21, 2009. His request to change reporting options was approved by PDC staff on September 24, 2009.

Mr. Ettl filed a C-4 report on October 29, 2009, covering the period of September 22 through October 27, 2009. The information contained on the C-4 report disclosed that the campaign had received \$7,252 in contributions and made \$7,210.35 in expenditures, largely for political advertising.

The information listed on the C-4 report included campaign activities that should have been disclosed on the 21-day pre-general C-4 report. That information was filed 16 days late. The information listed on the C-4 report included campaign activities that should have been disclosed on the 7-day pre-general C-4 report. That information was filed two days late.

Mr. Ettl filed a C-3 report on October 29, 2009, disclosing four contributions totaling \$7,252. The David Ettl campaign failed to timely file C-3 reports for the four contributions received by the campaign totaling \$7,252, and those contributions were disclosed 3-17 days late.

Mr. Ettl stated that he originally intended to run a more grass roots oriented campaign and stay under the Mini reporting option. He stated he had an accident that severely injured his ankle, and there were medical complications that led to a blood clot and pneumonia. Mr. Ettl said these factors required him to change his campaign strategy and subsequently, raise and spend additional campaign funds. He apologized and took responsibility for the late-filed reports saying that he did not intend to violate the law. He said that he was a first-time candidate, and if he becomes a candidate in the future, he plans on meeting his reporting requirements.

**Results:** The Presiding Officer found that that the 2009 David Ettl Campaign violated RCW 42.17.080 and .090 by failing to timely file C-3 reports and C-4 reports disclosing contribution and expenditure activities undertaken by the 2009 campaign.

The Presiding Officer assessed a \$500 civil penalty against the 2009 David Ettl Campaign, of which \$400 of the penalty was suspended on the condition that no further violations of RCW 42.17 are committed for four years from the date of the order and the \$100 non-suspended portion of the penalty is paid within 60 days.

## **2009 Group Enforcement**

### **Failure to timely file the 21-day and 7-day pre-general election Campaign Summary Receipts and Expenditures Reports (PDC Form C-4):**

- See attached spreadsheet

**Brief Enforcement Hearing Results**  
**2009 Group Enforcement**  
**Failure to timely file 21-day and 7-day Pre-General C-4 Reports**  
**January 27, 2010**  
**Jim Clements, Chair Presiding Officer**

PDC Case No.	Candidate Name	Office Sought	C-4 From Date	C-4 Thru Date	Date Due	Date Filed	Days Late	Total Contributions For Period	Total Expenditures For Period	Comments
10-043	DOCTER JAMES N	MUNICIPAL COURT JUDGE, CITY OF BREMERTON	10/13/2009	10/26/2009	10/27/2009	11/22/2009	26	\$ 900.00	\$ 6,384.91	One violation of RCW 42.17.080/.090. A \$250 penalty was assessed, of which \$200 was suspended pending no violations for 4-years, and the \$50 non-suspended portion is paid within 60 days.
10-045	MARINE JOSEPH D	MAYOR, CITY OF MUKILTEO	10/13/2009	10/26/2009	10/27/2009	11/3/2009	7	\$ 1,100.00	\$ 3,190.70	One violation of RCW 42.17.080/.090. A \$250 penalty was assessed, of which \$150 was suspended pending no violations for 4-years, and the \$100 non-suspended portion is paid within 60 days.
10-039	BACON CONSTANCE T	PORT COMMISSIONER, PORT OF TACOMA	9/1/2009	10/12/2009	10/13/2009	10/27/2009	14	\$ 4,575.00	\$ 3,449.65	One violation of RCW 42.17.080/.090. A \$500 penalty was assessed, of which the entire \$500 was suspended pending no violations for 4-years.
10-053	FREEMAN ROGER D	CITY COUNCIL MEMBER, CITY OF FEDERAL WAY	7/28/2009	10/13/2009	10/13/2009	11/2/2009	20	\$ 2,746.46	\$ 1,509.50	Two violations of RCW 42.17.080/.090. A \$300 penalty was assessed, of which \$200 was suspended pending no violations for 4-years, and the \$100 non-suspended portion is paid within 60 days.
"	FREEMAN ROGER D	CITY COUNCIL MEMBER, CITY OF FEDERAL WAY	10/13/2009	10/26/2009	10/27/2009	11/2/2009	6	\$ 250.00	\$ 1,006.90	"
10-041	LOVER WILLIAM G	CITY COUNCIL MEMBER, CITY OF YAKIMA	9/1/2009	10/12/2009	10/13/2009	10/31/2009	18	\$ 13,805.00	\$ 12,036.78	One violation of RCW 42.17.080/.090. A \$250 penalty was assessed, of which \$200 was suspended pending no violations for 4-years, and the \$50 non-suspended portion is paid within 30 days.
10-046	MOON STEVEN J	CITY COUNCIL MEMBER, CITY OF LONGVIEW	10/13/2009	10/26/2009	10/27/2009	11/2/2009	6	\$ 435.00	\$ 2,008.00	One violation of RCW 42.17.080/.090. A \$100 penalty was assessed, of which the entire \$100 was suspended pending no violations for 4-years.
10-049	SAMUEL TODD J	CITY COUNCIL MEMBER, CITY OF PASCO	10/13/2009	10/26/2009	10/27/2009	1/20/2010	85	\$ 6,160.00	\$ 215.00	One violation of RCW 42.17.080/.090. A \$50 penalty was assessed, of which the entire \$50 was suspended pending no violations for 4-years.
10-052	BRANDSTETTER MICHAEL	CITY COUNCIL MEMBER, CITY OF LAKEWOOD	9/1/2009	10/12/2009	10/13/2009	11/2/2009	20	\$ 860.00	\$ 3,575.38	Two violations of RCW 42.17.080/.090. A \$300 penalty was assessed, of which \$150 was suspended pending no violations for 4-years, and the \$150 non-suspended portion is paid within 60 days.
"	BRANDSTETTER MICHAEL	CITY COUNCIL MEMBER, CITY OF LAKEWOOD	10/13/2009	10/26/2009	10/27/2009	11/2/2009	6	\$ 100.00	\$ 2,181.63	"
10-050	SHILEY DARREL D JR	CITY COUNCIL MEMBER, CITY OF LAKEWOOD	10/13/2009	10/26/2009	10/27/2009	11/1/2009	5	\$ -	\$ 2,419.83	One violation of RCW 42.17.080/.090. A \$100 penalty was assessed, of which the entire \$100 was suspended pending no violations for 4-years.
10-051	SMITH LORNA H	CITY COUNCIL MEMBER, CITY OF UNIVERSITY PLACE	10/12/2009	12/21/2009	10/27/2009	12/23/2009	57	\$ 500.12	\$ 5,539.78	One violation of RCW 42.17.080/.090. A \$100 penalty was assessed, of which \$50 was suspended pending no violations for 4-years, and the \$50 non-suspended portion is paid within 90 days.

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10-040	LEWIS PETER B	MAYOR, CITY OF AUBURN	9/1/2009	10/12/2009	10/13/2009	10/27/2009	14	\$ 1,400.00	\$ 7,342.17	One violation of RCW 42.17.080/.090. A \$500 penalty was assessed, of which \$450 was suspended pending no violations for 4-years, and the \$50 non-suspended portion is paid within 30 days.
10-044	LEE DEREK A	COUNTY PROSECUTOR, GRANT COUNTY	10/13/2009	10/26/2009	10/27/2009	11/2/2009	6	\$ 14,755.14	\$ 10,305.14	One violation of RCW 42.17.080/.090. A \$300 penalty was assessed, of which \$200 was suspended pending no violations for 4-years, and the \$100 non-suspended portion is paid within 60 days.
10-048	RODRIGUEZ SONIA M	CITY COUNCIL MEMBER, CITY OF YAKIMA	10/13/2009	10/26/2009	10/27/2009	1/25/2010	90	\$ 2,925.00	\$ 2,801.00	One violation of RCW 42.17.080/.090. A \$250 penalty was assessed, of which \$150 was suspended pending no violations for 4-years, and the \$100 non-suspended portion is paid within 90 days.